

Whose responsibility? A study of transitional defence rights and the principle of mutual recognition of judicial decisions

By Malin Thunberg-Schunke, (Cambridge: Intersentia 2013), xvi + 160 pp., ISBN: 978-1-78068-175-7.

The topic of the book is extremely important and interesting. *Whose responsibility?* focuses on mutual recognition within the EU and the different responsibilities of defence rights for the executing and issuing states. Mutual trust and the division of who has the responsibility in cooperation situations are central for the analysis in the book. The author starts with a good exemplification of the problematic aspects in cooperation that are based on mutual recognition (chapter 1). In the introduction, the need for EU actions on defence rights and the scope of the book are also explained.

After that, the author briefly explains the human rights protection within the EU (chapter 2). Thereafter, the human rights protection at the national level is analysed, including Sweden and England as examples (chapter 3). Focus is here also on aspects such as the opt-out of the UK after the Lisbon Treaty. The author then rightly addresses the ECtHR and its protection of human rights (chapter 4), which is followed by a brief analysis of the Charter of fundamental rights and the CJEU (chapter 5). What characterises these chapters is that they are short and informative, and the author manages to use international and European law in a good way and shows how these complement each other.

Thereafter, the main focus is on the main chapter (chapter 6) of the book, which addresses whether the protection of human rights is sufficient in the system based on mutual recognition. This part is almost half of the book and entails a detailed analysis of the current system. It includes analyses on national human rights bars, how the ECtHR case law functions for cooperation between the Member States and how far the state responsibility can reach, especially in relation to mutual trust. Especially the part concluding on mutual trust (chapter 6.4.1.4) is especially good and brings the academic discussion further and at the same time addresses the current practical problems. It is focused on the fact that Member States should not be able to avoid responsibility, and that the charter of fundamental rights added with the CJEU can perhaps function as a guardian so that human rights are addressed. A need for EU harmonised procedural standards is further discussed, which of course should never lead to a race to the bottom.

The book is consistently encompassed and functions well as a whole. At the same time, it could have benefited from having some concluding remarks underway; now e.g. the case law is presented to a large part, but no concrete conclusions are always made directly afterwards. This could perhaps have benefited to lift the analysis in the book higher and given a reader not so familiar with the case law a better way of understanding

it. Nevertheless the book is important for everyone who wishes to read up on the current position of transnational defence rights within the EU.

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